

*Attorney General*  
*Copy*  
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**APR 29 2005**

CLERK  
ALA COURT CRIMINAL APPEALS

*Brief with  
Exhibits A-B-C*

IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

JOHN WILLIE MINNIFIELD  
APPELLANT

-VS-

STATE OF ALABAMA  
APPELLEE

CASE NO: CR-04-1101  
APPEAL FROM THE CIRCUIT COURT OF MONTGOMERY COUNTY  
CRIMINAL COURT NO: 99-327.61

- Exhibit L -

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IN THE CRIMINAL COURT OF APPEALS

JOHN W. MINNIFIELD,  
APPELLANT,

VS.

CR. NO: \_\_\_\_\_

STATE OF ALABAMA,  
APPELLEE,

BRIEF IN SUPPORT OF APPEAL  
PRO SE

Comes now the Appellant in and on his own behalf Appeal the decision of the Montgomery County Circuit Court charged stalking of then wife. The Appellant was found guilty by a jury of (9) females and (3) males and sentenced to a term of 20 years ... Appointed Counsel the Honorable Joseph E. Burkhardt whom filed the Appeal without a complete transcript whereas there were two Court Reporters that transcribed this case Mrs. Merdith Newman transcribed the actual trial and closing arguments were absent from TR.

Honorable Dub Harris transcribed the sentencing date but fail to give to the Appellant the transcript after due dillengce to obtain this potion of the record which will show the Appellant is serving an Illegal Sentence on top of Appellant actual innocent. The Honorable Sally Greenhaw Ordered that the free transcript will be given to me therefore under the Act one cannot effectuate an Appeal which deny due process when the Reporter transcribe the proceeding but leave or omit certain potion out is denying one due process under the Fourteenth (14) Amendment.

Appellant Counsel Esquire [Joseph E. Burkhardt] knew or should have known the transcript were incomplete therefore raising on Direct Appeal the effect of an incomplete transcript that violate the Substantial Right of the accused provide counsel Ineffective Assistance of Counsel but not raising it on Direct Appeal a jurisdictional issue that can be raised at anytime. However to deny one an Even-  
detary Hearing and addressing each and every allegation raised by the Appellant

is an abuse of discretion by the Court therefore this issue has not been raised and ruling out second Successive Petition as alleged by the State ... Rule 32.2 the following issues in the Reporter Act See, Harris v. State, 632 So.2d 545 denied a full and Fair Trial all Bench conference pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments State has denied due process in every conceivable way knowingly I am being discriminated against the Trial Court is in the best position to act upon this issue but did not ... See, Rika v. State, 587 So.2d 1054 and Pope v. State, 345 So.2d 1387 which is not properly certified.

#### ACTUAL INNOCENT

Charged stalking must show an overt Act towards the Commission of the Act since November 23rd 1998, the Appellant has been searching for just one Court to answer how can one be charged and convicted of said charged offense when it was proven in Court and admitted by alleged victim that she was called home that I had been by the job which I am employed there as well on the morning of November 23rd 1998 she was at home a Co-Worker called her and told her I had been by and gone, she then came in and talked with Nicholas Washington the dishwasher to get him to lie saying I left threats or threatening words and had a gun she then went and signed a Warrant to have me arrested ... To whereas she was at home.

The Appellant to effectuate the Appeal there must be ordered by this Court to turn over the entire transcript Audio Tape to be able to prove prosecution misconduct and at sentencing invoked the H.O.A. Act all this came about because the Appellant refused a Plea Agreement second agreement if I would leave town and live with my sister in Milwaukee or brother in Florida a form of banishment after refusing District Attorney Bailey request to plead guilty I was sentenced to a term of 20 years an excessive sentence for what? no crime had been committed these Audio Tapes do exist therefore the Appellant is entitled to a complete transcript that has been deleted from the record by order to keep the Appellant Court from seeing the truth that there were or was no fair trial even

is an abuse of discretion by the Court therefore this issue has not been raised and ruling out second Successive Petition as alleged by the State ... Rule 32.2 the following issues in the Reporter Act Sec, Harris v. State, 632 So.2d 543 denied a full and fair Trial all Bench conferences pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments State has denied due process in every conceivable way knowingly I am being discriminated against the Trial Court is in the best position to act upon this issue but did not ... See, Sika v. State, 557 So.2d 1054 and Pope v. State, 345 So.2d 1387 which is not properly certified.

#### ACTUAL INJURY

Charged stalking must show an overt Act towards the Commission of the Act since November 23rd 1998. The Appellant has been searching for just one Court to answer how can one be charged and convicted of said charged offense when it was proven in Court and admitted by alleged victim that she was called home that I had been by the job which I am employed there as well on the morning of November 23rd 1998 she was at home a Co-Worker called her and told her I had been by and gone, she then came in and talked with Nicholas Washington the dish washer to get him to lie saying I left threats or threatening words and had a gun etc then went and signed a Warrant to have me arrested ... To whereas she was at home.

The Appellant to alleviate the Appeal there must be ordered by this Court to turn over the entire transcript Audio Tapes to be able to prove prosecution misconduct and at sentencing invoked Loe H.O.A. Act all this came about because the Appellant refused a Plea Agreement second agreement if I would leave town and live with my sister in Milwaukee or brother in Florida a form of harassment after refusing District Attorney Bailey request to plead guilty I was sentenced to a term of 20 years an excessive sentence for which no crime had been committed these Audio Tapes do exist therefore the Appellant is entitled to a complete transcript that has been delayed from the record by order to keep the Appellant Court from seeing the truth what there was or was no fair trial even

though objection was made to the Court whereas District Attorney knowingly put false evidence before the jury Court over ruled in the Rule 32 Court did not address any of these issues not a properly certified transcript of the proceeding deleted witness testimonies which show at sentencing the Pre Sentence Report and Recommendation of the District Attorney Darryl Bailey, alleged victim testimony Voncile Minnifield, Ashley Cook, Dana Cook, Wiley Hartley, P.S.I. Officer at sentencing there is no record in the recorded Sentencing Report or TR prepared by Roving Reporter Dub Harris whom is denying he were the Reporter See, the record and transcript recorded by him.

When the judgement of the Trial Court is based upon evidence presented Ore Tinus a party Appealing the judgement must present the Appellant Court an official transcript such a transcript is necessary to support an Appeal seeking Reversal of the judgement. District Attorney mistake the fact before the jury intentional is unacceptable in society is fraud and deceptive practice that has to be rejected by the Courts ... An accused person has a Liberty Interest to convey the truth to the jury otherwise that is prejudice towards the accused.

#### SENTENCING STAGE

The Appellant seek an honest ruling from this Court which rely on the record in this case the record do not show there was a sentence nowhere in the trial or sentencing transcript show there is a sentence which is jurisdiction. Therefore the Appellant is being held unlawfully.

Appellant Court it seems the Court reliance on the record has had access to the original T.R. of record to see there is no sentencing T.R. through due diligence to get a true copy of the Reporter address which this Reporter claimed he did not record the transcript See, exhibit and Signature of the Roving Reporter. This is a crucial part of the proceeding which will show this is the only time the State invoked the H.O.A. at sentencing not timely.

Abuse of discretion by Court the transcript will show there was no felony committed on November 23rd 1998 which show there were or was no contact with the alleged victim visible or calling, threatening or any form or contact therefore it is palpably wrong to constitute to hold one on this illegal charge of stalking.

Whereas there were no stalking or harassment on the 23rd of November 1998, Trial Court abuse of discretion not addressing my Batson Motion for striking all Black Males from the jury leaving all 3 white males junior 9 women Alternative Jury white females. This Court refused the request to have the State explain its reason Trial Court refuse to address any of the issues presented in his Petition. The indictment reads on November 23rd 1998 place [770 Washington Street Montgomery, Alabama] a factual variance because she was at home and not the place of business where the indictment claimed See TR there were never contact with each other in any form. To support stalking there was no following or calling, no harassment, See; [page-111 to 112] in Vonciel own words he never called my home or job I never seen him following me. This Court can understand I also worked at the same building plus a courier for Wilson & Price that cause me to deliver payroll to that same building after each delivery I would do the time in my log before pulling off.

#### SELF REPRESENTATION

Cites [Tomlin v. State, 601 So.2d 124 Trial Court] did not advise the Appellant he could withdraw waiver at anytime See; TR which Court even that there cannot be if I would represent self Mr. Hartley could not assist me I would have to do it the entire trial. See; excerpts from TR [pages 48 ex.] at not time Court advised me I could withdraw that waiver in fact [Honorable Greenhaw] advised me and Mr. Hartley only one of us could proceed meaning if I were my own counsel I would have to take it all the way through.

Receiving Court found that the Trial Court entertained perjured testimony and the State withheld exculpatory evidence and there was Ineffective Assistance of Pre-Trial Counsel it is impossible for this Court to imagine the accused received



a fair trial that satisfied the minimum Constitutional standard for a fair trial  
See; [Hamilton v. State, 677 So.2d 1254 Ala. Crim. App. 1995] cause for a Reversible Trial Court did not make written findings of facts ... The Appellant do hope and pray that this Court Reverse and Remand this case back to the lower Court.

Respectfully Submitted,

John W. Minnifield #112145  
John W. Minnifield, Appellant Pro Se  
Bullock County Correctional Facility  
Post Office Box 5107  
Union Springs, Alabama 36089-5107

Done this the 29<sup>th</sup> day of April, 2005.

**CERTIFICATE OF SERVICE**

I have to be placed in United States Mail with proper postage and addressed to the following parties:

CC: Criminal Court of Appeals, Honorable Lane Mann

CC: Honorable Troy King C/O Criminal Court of Appeal

CC: Montgomery County Circuit Clerk, 251 S. Lawrence Street Montgomery,  
Alabama 36130

District Attorney: Honorable Helen Brook C.O. Circuit Clerk

4 IN THE CIRCUIT COURT  
OF MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA

Plaintiff,

VS.

X CC-99-327-SMG

JOHN MINNIFIELD,

Defendant.



MOTIONS HEARING

P R O C E E D I N G S

The above cause came on to be heard before the Hon. Sally M. Greenhaw, Circuit Judge for the 15th Judicial Circuit of Alabama at the Montgomery County Courthouse, Montgomery, Alabama; commencing on March 6, 2000.

\* \* \* \* \*

A P P E A R A N C E S

FOR THE STATE:

No appearance.

FOR THE DEFENDANT:

Pro Se.

\* \* \* \* \*

COURT REPORTER FOR THESE PROCEEDINGS: DUB HARRIS

\* \* \* \* \*

1

PROCEEDINGS

2

BY THE COURT: All right. Mr.

3

Minnifield, during the trial you waived your

4

attorney. Although I had Mr. Hartley sit

5

there, you did not indicate that you needed his

6

services during the trial. I've appointed you

7

an attorney on appeal.

8

Now, on these motions for new trial, you

9

filed them Pro Se, and I've looked at your

10

motion for a new trial, and also a motion for

11

-- I guess a jury mistrial, and to reconsider

12

the sentence, and I've read all your motions.

13

Now, one thing I need to make clear, I've

14

appointed Mr. Burkhardt to represent you on

15

appeal. If for some reason you don't want him

16

to represent you, you'll have to take that up

17

with the appellate court, not me; do you

18

understand that?

19

BY THE DEFENDANT: Yes, ma'am.

20

BY THE COURT: Now, is there anything you

21

have to say that you haven't already said in

22

your written motions, because I've read over

23

them.

24

BY THE DEFENDANT: I just feel, though,

25

that everything in those motions, that I'm

1 entitled to.

2 BY THE COURT: It certainly sets out,  
3 you know, quite a few factors that happened  
4 during the trial, but the Court was there  
5 during the trial, and again I'll say for the  
6 record, you certainly were well able to  
7 represent yourself, and I m going to go ahead  
8 and deny these motions for new trial, and your  
9 other motions. So, now, everything can be  
10 taken up on appeal. So, I'm going to deny  
11 these motions, and they'll be part of the  
12 record as well.

13 BY THE DEFENDANT: Okay.

14 BY THE COURT: All right, thank you.

15 (Court adjourned)

16 \* \* \*

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF ALABAMA

MONTGOMERY COUNTY

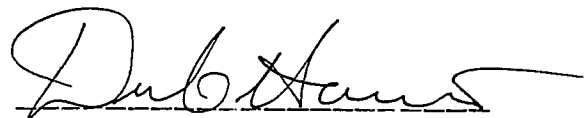
I, Dub Harris, Special Roving Court  
Reporter and Registered Profesional Reporter of the  
15th Judicial Circuit for the State of Alabama,  
Montgomery, Alabama, do hereby certify as follows:

THAT I reported in shorthand the  
foregoing proceedings in the foregoing styled cause  
at the time and place stated heretofore;

THAT I later reduced my shorthand notes  
to computer-aided transcription, and the foregoing  
pages contain a full, true and correct transcript  
of the proceedings and testimony as herein set out;

THAT I am neither of kin nor of counsel  
to the parties to said cause, nor in any manner  
interested in the results thereof.

DONE this 8th day of March, 2000.

  
Dub Harris, Reporter.

Dub Harris  
Official Court Reporter  
19<sup>th</sup> Judicial Circuit of Alabama  
8935 U. S. Highway 231, Room 232  
Wetumpka, AL 36092  
Phone: 334 567-1148

March 28, 2005

Mr. John Willie Minnifield  
#112145-18-54  
P. O. Box 5107  
Union Springs, AL 36089

RE: CC-99-327-SMG; August 3, 2000 court reporter's transcript.

Dear Mr. Minnifield:

I have diligently searched my archives for the above-dated reporter notes but was unable to locate any with reference to your case. On that date, your case was with Judge Sally Greenhaw; on that date I was in court with Judge Charles Price. Consequently I did not report your case on that date.

Thank you.

  
Dub Harris

CC: Court of Criminal Appeals Clerk  
Circuit Clerk, 15<sup>th</sup> Judicial Circuit

1 concluded.

2 And I apologize for my voice. It sort of goes  
3 and comes. As I said, it's just this time of the  
4 year. We're going to take an early break today  
5 because there are a number of things we need to  
6 take up outside the presence of the jury. And  
7 hopefully, when you come back, we'll be able to  
8 start promptly and go more quickly. But I'm going  
9 to give you a long break until one o'clock. And at  
10 that time, if you'll report to the jury assembly  
11 room, we'll get you at one o'clock. Thank you.

12 (Out of the presence of the jury.)

13 THE COURT: Now, Mr. Minnifield, I  
14 need to know whether you're requesting at this time  
15 to represent yourself or do you want your  
16 court-appointed attorney?

17 THE DEFENDANT: I would like to  
18 represent myself.

19 THE COURT: Mr. Minnifield, before I  
20 let you do that, I need to ask you a number of  
21 things.

22 And has he discussed this possibility with  
23 you, Mr. Hartley? I know you've been involved with  
24 this case for some time. And, for the record --  
25 and I think you've been very instrumental and

1 helpful in looking at alternatives and over the  
2 course of it, different ways of resolving this  
3 matter, including this morning. But, evidently, he  
4 has mentioned to you that he wanted to represent  
5 himself?

6 MR. HARTLEY: Yes, Your Honor. In  
7 the course of my contact with Mr. Minnifield over a  
8 long period of time, I do recollect that he  
9 indicated that he wanted to do some parts of the  
10 questioning of witnesses and to present --

11 THE COURT: Well, he can't just do  
12 some parts, you know. You can't pick and choose  
13 which questions you're going to ask a witness.  
14 Even if you have two attorneys, only one gets a  
15 witness.

16 MR. HARTLEY: Oh, I meant that,  
17 Judge. He understood that he would have to carry  
18 any particular witness all the way through, and  
19 there would be no ability for us to swap back and  
20 forth like that. I think that he wants to conduct  
21 the examination possibly of the State's principal  
22 witness, Ms. Vonciel Minnifield.

23 THE COURT: Well, let me hear from  
24 you, Mr. Minnifield. Do you want to represent  
25 yourself in this case?



1 THE DEFENDANT: I do prefer to  
2 represent myself entirely, and I'm qualified.

3 THE COURT: Well, I'm going to ask  
4 you some questions. And, first of all, do you  
5 understand that you're charged with stalking and  
6 what the elements of that offense are?

7 THE DEFENDANT: Sure.

8 THE COURT: Now, you have a right to  
9 represent yourself, but you also have a right to  
10 have an attorney. And I have previously appointed  
11 Mr. Hartley, and he's been very involved in the  
12 case and as an attorney. And the Court has had the  
13 opportunity to have Mr. Hartley in the court for a  
14 number of years, and I know that he has skills and  
15 experiences that you do not. Why do you want to  
16 represent yourself?

17 PROSPECTIVE JUROR: I want to  
18 represent myself due to the fact that in the past,  
19 there have been some dealing and understanding that  
20 I didn't go along with between Mr. Hartley and the  
21 State.

22 THE COURT: Give me an example.

23 THE DEFENDANT: For instance, like,  
24 I got locked up November '98, and my bail was set  
25 at hundred thousand dollars. I go for a bail

1 hearing and Judge Bright set my bail -- reduced my  
2 bail of forty thousand dollars.

3 THE COURT: Well, that was before  
4 Judge Bright and would have been involved before  
5 Mr. Hartley got in the case. And I do --

6 THE DEFENDANT: That was right.

7 THE COURT: -- know that you made an  
8 oral notice to reduce the bond. And there does  
9 seem to -- there has been one motion filed, but  
10 that was in December by -- that's not in the file,  
11 by Mr. Minnifield, and I'll look it over in just a  
12 moment.

13 THE DEFENDANT: It was December '98  
14 when the bail was reduced to forty thousand  
15 dollars, but --

16 THE COURT: Mr. Minnifield, what  
17 occurred before Judge Bright does not concern  
18 Mr. Hartley or this Court. Were you involved --

19 MR. HARTLEY: Yes.

20 THE DEFENDANT: Yes, he was.

21 THE COURT: You were?

22 MR. HARTLEY: Yes, Judge. I don't  
23 have a real complete recall, but I was involved  
24 because -- I forget why we had to have Judge  
25 Bright's involvement in it. But it seemed to me

1 that she did agree to a reduction of forty  
2 thousand. And there was some delay, Judge, in  
3 getting, I think, it possibly recorded in the jail.  
4 There may have been something, and I think  
5 Mr. Minnifield was disturbed about that.

6 THE COURT: Now, Mr. Minnifield,  
7 what is your age?

8 THE DEFENDANT: Sixty.

9 THE COURT: And could you briefly  
10 give -- set out your work experience?

11 THE DEFENDANT: Yes. My work  
12 experience was the last job I had was contractor,  
13 construction, heavy equipment operator, and  
14 etcetera.

15 THE COURT: And what other types of  
16 work have you done?

17 PROSPECTIVE JUROR: I have been a  
18 currier, and I've been chief maintenance man at  
19 Wilson and Price. I've been a truck driver.

20 THE COURT: Have you ever been  
21 treated for any mental disease or mental health?

22 THE DEFENDANT: No, I haven't. I  
23 went and -- when --

24 THE COURT: And the Court is aware  
25 that I did -- when you were out on bond, the EVEN

1 only the beginning of her nightmare.

2 Now, during the course of my career of  
3 prosecutor, I don't find very much the victims are  
4 ever really happy to come into court, really feel  
5 good about coming into court. But I know I can say  
6 this about Vonciel -- and I'm not saying that she

7 enjoys this process -- but for the Grace of God,  
8 ladies and gentlemen, I would be standing up before  
9 you right now, and this table would be empty and I  
10 would be telling you about murder in the first  
11 degree, but for the Grace of God.

12 Ladies and gentlemen, what happened after  
13 Vonciel and her children left the marital home?  
14 The defendant began to call her on the telephone.

15 THE DEFENDANT: Object.

16 THE COURT: I'm going to overrule  
17 your objection if this is what --

18 MR. BAILEY: The evidence will  
19 show --

20 THE COURT: -- you expect the  
21 evidence to show.

22 MR. BAILEY: The evidence will show  
23 in this case that the defendant began to call her  
24 on the telephone, harassing, threatening her life.  
25 The defendant would show up her at workplace --

*Missleading The Jury*

1 THE DEFENDANT: I'm objecting on  
2 that.

3 THE COURT: I'm overruling. He has  
4 a right to tell the jury what he expects the  
5 evidence to show. And you will be able to tell the  
6 jury what you expect the evidence to show.

7 Go ahead.

8 MR. BAILEY: The defendant would  
9 show up at her workplace telling her co-workers  
10 quite frankly that she better watch out, that he  
11 was going to get her.

12 He would show up at her babysitter's house.  
13 He even showed up at one of her babysitter's house  
14 with a gun. We expect Lawanda Benson to come in --

15 THE DEFENDANT: Object.

16 MR. BAILEY: -- and testify --

17 THE DEFENDANT: Object.

18 THE COURT: Mr. Minnifield, he has a  
19 right to tell the jury what he expects the evidence  
20 to show:

21 Go ahead.

22 MR. BAILEY: I expect Lawanda Benson  
23 to come in and tell you what happened one night.  
24 Mr. Minnifield showed up wanting to know where  
25 Vonciel was. He told Lawanda Benson what he was

1 that's someone else saying it, so I can't  
2 elaborate.

3 Q. Have you ever seen him at your job,  
4 workplace, during this time frame?

5 A. I've seen him parked outside my job, yes.

6 Q. And how many occasions have you seen  
7 that?

8 A. Twice.

9 Q. Have you ever received any type of phone  
10 calls from Mr. Minnifield?

11 A. No, sir, not directly.

12 Q. When you would see him at your workplace,  
13 I believe you said, he was sitting in the car?

14 A. Yes, sir.

15 Q. Where would he be parked -- let me back  
16 up just a second. Where is your workplace again?

17 A. It's on the corner of Adams and Ripley  
18 and Washington.

19 Q. Okay. Is that in a particular building?

20 A. It's in the RSA Plaza downtown.

21 Q. And where would Mr. Minnifield be  
22 sitting?

23 A. Once he was parked on Adams, and once on  
24 Washington.

25 Q. So that was on two different occasions

1 that you saw him?

2 A. Yes, sir.

3 Q. Has anything else occurred between you  
4 and Mr. Minnifield since the date of your  
5 separation?

6 A. Not that I can recall at this time.

7 Q. You said that you had not ever received  
8 any direct phone calls from Mr. Minnifield; is that  
9 correct --

10 A. That's correct.

11 Q. -- during this time frame? Had you ever  
12 received any type of written correspondence from  
13 Mr. Minnifield?

14 A. Yes, sir.

15 Q. And can you tell us about those?

16 A. When he was locked up, he wrote me a  
17 letter -- I believe it was in December of '98 --  
18 stating that he was very sorry for what had  
19 happened in the October event, and that he just  
20 wanted to -- for us to get on with our lives and  
21 for the kids to be happy.

22 Q. Mrs. Minnifield, at this time, I'm going  
23 to show you what's been marked as State's Exhibit  
24 No. 5. I want to ask you if you can identify this  
25 letter, please, ma'am?

IN THE CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA

JOHN WILLIE MINNIFIELD,

Petitioner,

v.

CC-99-327.61-TMH

STATE OF ALABAMA,

Respondent.

ORDER

This cause having come before the Court on Petitioner's request that filing fees be waived due to his substantial hardship status, and the same having been considered, it is ORDERED that Petitioner is GRANTED permission for filing of the petition in this cause without immediate prepayment of a filing fee.

It is further ORDERED that Petitioner is required to pay a filing fee in the amount of \$201.00 in this cause; and the Alabama Department of Corrections is directed to withhold 50% of each dollar the Petitioner receives through his Prisoner's Money on Deposit Account and to deliver the same to the Clerk of this Court when the full amount has been collected.

This is the second Rule 32 petition in this matter and most of the assertions therein are barred by Rule 32.2(b) A.R.Cr.P. or are time barred. In addition, the petition is a meandering, rambling discourse which lacks the specificity mandated by Rule 32.6(b) A.R.Cr.P.

RECEIVED  
1-28-05  
CIRCUIT COURT CLERK



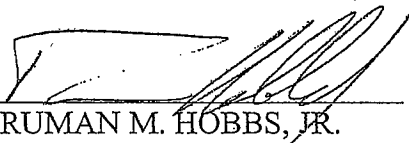
Turning to the allegations which can be gleaned from the petition, the Petitioner reiterates a Batson claim which was raised in an earlier petition. It is thus barred as successive and untimely.

Most of the claims appear to seek a relitigation of the underlying stalking charge. This cannot be done in a Rule 32 proceeding. He also attacks the constitutionality of the stalking charge but fails to state why this claim could not be raised previously.

Finally, Petitioner appears to complain that he was not represented by counsel at trial. This issue is barred because it could have been raised previously. In addition, the claim is without merit. Petitioner demanded that he be allowed to proceed *pro se*. Judge Greenhaw, the trial judge, carefully explained to Petitioner the hazards of proceeding *pro se* and she then required that his appointed counsel remain with Petitioner at trial to give advice.

Wherefore, the petition is DISMISSED.

Done this 28<sup>th</sup> day of January, 2005.

  
TRUMAN M. HOBBS, JR.  
CIRCUIT JUDGE

cc: John W. Minnifield  
AIS# 112145  
Bullock CF  
PO Box 5107  
Union Springs, AL 36089-5107

Matthew D. Shaddrix, DDA  
Courthouse box

**CIRCUIT COURT OF MONTGOMERY COUNTY**

**Melissa Rittenour**  
**Clerk and Register**  
**251 South Lawrence Street**  
**Montgomery, Alabama 36104**

March 8, 2005

Mr. Minnifield;

---

I found no Trial Orders indicating that there were hearings set for your Rule 32 Petition. Because there were no hearings on your Petition then there will not be a Reporter's Transcript filed in this appeal.

If you wish to request a copy of the transcript recorded during the trial proceedings then you will have to contact the court reporter(s) that was present during those proceedings. You have indicated that you wish to obtain a transcript from court reporter Dub Harris. You may contact Mr. Harris by submitting your request in writing to the following address:

Elmore County Courthouse  
Attn: Dub Harris  
8935 Hwy 231 Room 232  
Wetumpka, Al 36092

Sincerely,

Melissa Rittenour

dbh

cc Court of Criminal Appeals  
cc John W. Minnifield

ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

STATE OF ALABAMA VS MINNIFIELD JOHN WILLIE JUDGE: SARAH M. GREENHAW

APPEAL DATE: 02/19/2005

## INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT: ☒ YES ☐ NOAPP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: ☐ YES ☒ NO N/AINDIGENT STATUS REVOKED ON APPEAL: ☐ YES ☒ NOINDIGENT STATUS GRANTED ON APPEAL: ☒ YES ☐ NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 03/CC 1999 000327.61

ORDER ENTERED(DATE): 01282005 PETITION: X DISMISSED ☐ DENIED ☐ GRANTED

## POST-JUDGMENT MOTIONS FILED:

DT FILED

DT DENIED

CON BY AGREE

☐ MOTION FOR NEW TRIAL☐ MOTION FOR JUDG. OF ACQUIT☐ MOTION TO W/D GUILTY PLEA☐ MOTION FOR ATTY TO W/DRAW☐ OTHER

## COURT REPORTER(S):

ADDRESS:

## APPELLATE COUNSEL #1:

ADDRESS:

PRO SE

## PHONE NUMBER:

000-000-0000

00000

## APPELLATE COUNSEL #2:

ADDRESS:

## PHONE NUMBER:

## APPELLANT (PRO SE):

ADDRESS:

MINNIFIELD JOHN WILLIE

BULLOCK CORR. FACILITY

UNION SPRINGS, AL 360890000

112145

AIS #:

## APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
ABOVE IS ACCURATE TO THE BEST OF MY  
KNOWLEDGE AND I HAVE SERVED A COPY OF  
THIS NOTICE OF APPEAL ON ALL PARTIES TO  
THIS ACTION ON THIS 8th DAY OF March, 2005

OPERATOR: DBH  
PREPARED: 03/08/2005

Melissa Rittman  
CIRCUIT COURT CLERK

IN THE CIRCUIT COURT OF Montgomery COUNTY, ALABAMAJohn Willie Minnifield  
APPELLANT,

VS.

\* CASE NO: 99-0327.61STATE OF ALABAMA,  
APPELLEE,NOTICE OF APPEAL TO THE COURT OF  
CRIMINAL APPEALS OF ALABAMA1-28th day of Jan, 2005  
DATE OF JUDGEMENT

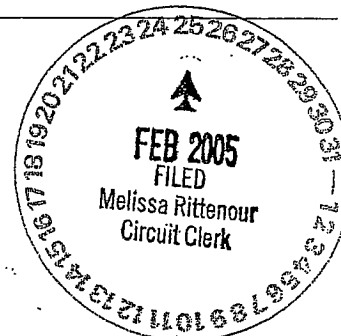
AND

10th day of Feb- 2000  
POST JUDGEMENT ORDER

Notice is hereby given that John Willie Minnifield, Appeals to the above named Court from the Judgement of Conviction (1-28-2005) or other order entered in this Case on the 28th DAY OF Jan., 2005, Adjudging the Defendant to be Guilty of the Offense of Stalking, and punishment thereof, Sentencing the Defendant as Follows; 20 years

FILED 2-19-2005  
DATE

CERTIFIED AS A TRUE COPY.

John Willie Minnifield #11214  
PRO-SE APPELLANT





State of Alabama Unified Judicial System Form ARAP- 26 (front) 8/91	<b>COURT OF CRIMINAL APPEALS DOCKETING STATEMENT</b>	Criminal Appeal Number _____
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**GENERAL INFORMATION:**

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF MONTGOMERY COUNTY

JOHN WILLIE MINNIFIELD

Appellant

v. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF \_\_\_\_\_

Case Number <u>CC-99-0327.61</u>	Date of Complaint or Indictment <u>NOV. 2004</u>	Date of Judgment/Sentence/Order <u>28th day of January, 2005</u>
Number of Days of Trial/Hearing <u>4 1/2</u> Days	Date of Notice of Appeal Oral: _____ Written: <u>2/19th day of 2005</u>	
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**B. REPRESENTATION:**

Is Attorney Appointed or Retained? <input type="checkbox"/> Appointed <input type="checkbox"/> Retained.	If no attorney, will appellant represent self? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>PRO SE JOHN WILLIE MINNIFIELD</u>	
Address <u>POST OFFICE BOX 5107</u>	City <u>UNION SPRINGS,</u>
State <u>AL.</u>	Zip Code <u>36089</u>

**C. CODEFENDANTS:** List each CODEFENDANT and the codefendant's case number.

Codefendant	Case Number
Codefendant	Case Number
Codefendant	Case Number

**D. TYPE OF APPEAL:** Please check the applicable block.

1 <input checked="" type="checkbox"/> State Conviction	4 <input type="checkbox"/> Pretrial Order	7 <input type="checkbox"/> Juvenile Transfer Order	10 <input type="checkbox"/> Other (Specify): _____
2 <input checked="" type="checkbox"/> Post-Conviction Remedy	5 <input type="checkbox"/> Contempt Adjudication	8 <input type="checkbox"/> Juvenile Delinquency	
3 <input type="checkbox"/> Probation Revocation	6 <input type="checkbox"/> Municipal Conviction	9 <input type="checkbox"/> Habeas Corpus Petition	

**E. UNDERLYING CONVICTION/CHARGE:** Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

1 <input type="checkbox"/> Capital Offense - § _____	6 <input type="checkbox"/> Trafficking in Drugs - § _____	11 <input type="checkbox"/> Fraudulent Practices - § _____
2 <input type="checkbox"/> Homicide - § _____	7 <input type="checkbox"/> Theft - § _____	12 <input type="checkbox"/> Offense Against Family - § _____
3 <input type="checkbox"/> Assault - § _____	8 <input type="checkbox"/> Damage or Intrusion to Property - § _____	13 <input type="checkbox"/> Traffic - DUI - § _____
4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____	9 <input type="checkbox"/> Escape - § _____	14 <input type="checkbox"/> Traffic - Other - § _____
5 <input type="checkbox"/> Drug Possession - § _____	10 <input type="checkbox"/> Weapons/Firearms - § _____	15 <input type="checkbox"/> Miscellaneous (Specify): <u>STALKING</u> - § _____

**F. DEATH PENALTY:**

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

**G. TRANSCRIPT:**

- Will the record on appeal have a reporter's transcript? ☒ Yes ☐ No
  - If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. 2-19-05 (Date)
  - If the answer to question "1" is "No":
    - Will a stipulation of facts be filed with the circuit clerk? ☒ Yes ☐ No
    - Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☒ Yes ☐ No
- NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

## COURT OF CRIMINAL APPEALS DOCKETING STATEMENT

**POST-JUDGMENT MOTIONS:** List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCP)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
11th	28th	2004	Rule 32	1st	28th	2005

**NATURE OF THE CASE:** Without argument, briefly summarize the facts of the case.

Stalking charged by wife on the 23rd day of November, 1998 wife filed stalking charge were I was nowhere in or near her or her resident thus State knew this but entertained perjury testimony by wife and gotten witness whom she was having sex and smoking crack with to lie on her behalf. We was separated on the 10th day of October, 1998 and she filed this charge on the 23rd day of November, 1998. I am actual innocent of stalking see her past record in Texas and Georgia she did the same things on two other mens she is not concoted but a long time drug user, prostitute, and thief you name it. This was newly discoverly evidence no witness can repeat or would repeat their testimony since they found out about her lying and had me falsly accused to keep me locked up is a miscarriage of justice everything I've said can be proven if this Court let justice prevail. The State says this is a second sucessive Petition I agree that was never ruled upon by the Circuit Court but denied See; Writ of Habeas Corpus filed in 2000 which stayed in Court for over two years and denied without prejudice but failed to notify me after due dillenge of the Status on it. See; exhibits a denial off due process and access to the Court System. I pray for relief and hearing in-matter.

**ISSUE(S) ON APPEAL:** Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

- (1). Ineffective Assistant of Counsel Appellate
- (2). Jury Bias and Prejudice a gender violation
- (3). District Attorney misconduct misleading the jury
- (4). Actual Innocent
- (5). See Judge Price denied without prejudice Habeas Corpus
- (6). Entertained by Court perjury testimony knowingly
- (7). Trial Judge did not comply with the Fareta Ruling stating the danger of self representation and that I could at any time during the trial I could ask for counsel. See exhibit
- (8). Incomplete transcript from sentencing phase it was recorded therefore part of the record
- (9). There is a tolling of time through no fault of mines

John Willie Minnifield #112145  
NATURE:

John Willie Minnifield #112145